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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lencki et al.

Serial No.: 09/748,359

Filed: December 26, 2000

For: SYSTEM AND METHOD
FOR FACILITATING SELECTION:
OF BENEFITS

Group Art Unit: 3626

Examiner: Porter, Rachel L.

Docket No. CLC 00.02

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102

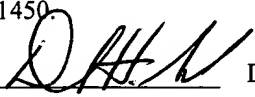
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully submits the following Petition To Make Special, the grounds for which are set forth below.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name Daniel H. Golub

Signature 

Date of Deposit August 15, 2005

This is a Petition to Make Special the above-identified patent application. The grounds and conditions for granting this application special status are found in M.P.E.P. § 708.02, VIII “Special Examining Procedure for Certain New Applications -- Accelerated Examination.”

Applicant hereby authorizes the Commissioner to charge the fee for this Petition as set forth in 37 C.F.R. §1.17(i), and any additional fees required in connection with the filing of this Petition, to Deposit Account No. 50-0310.

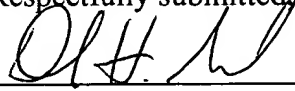
As provided in M.P.E.P. § 708.02, VIII, Applicant agrees to the special examination procedure detailed therein. Applicant also agrees to elect, without traverse, one invention in the event the U.S. Patent and Trademark Office determines that all claims in the application are not obviously directed to a single invention. In support of this Petition, Applicant submits:

(a) The Statement of Daniel H. Golub, attorney, in support of this Petition to Make Special, referring to the results of a search that was made in connection with the invention and discussing the references and the distinctions of the claimed subject matter; and

(b) An Information Disclosure Statement and one copy of each of the relevant references (not already of record) found upon the search which was made in connection with the invention.

Accordingly, Applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D.H. Golub', written over a horizontal line.

Daniel H. Golub
Reg. No. 33,701
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
215-963-5055

Dated: August 15, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:	Lencki et al.	:	
		:	Group Art Unit: 3626
Serial No.:	09/748,359	:	
		:	Examiner: Porter, Rachel L.
		:	
Filed:	December 26, 2000	:	Docket No. CLC 00.02
		:	
For:	SYSTEM AND METHOD	:	
	FOR FACILITATING SELECTION:	:	
	OF BENEFITS	:	

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby submits the following Statement in support of Applicant's
Petition requesting that this application be accorded Special Status.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name Daniel H. Golub

Signature

Date of Deposit August 15, 2005

Daniel H. Golub states as follows:

1. I am associated with the firm of Morgan, Lewis & Bockius LLP, and an attorney for the Applicant in the above-identified application. I am a member of the bar of the Commonwealth of Pennsylvania and State of New Jersey and a registered Patent Attorney, Registration No. 33,701. I make this Statement in support of Applicant's Petition to Make Special in the above-identified application.

2. On August 4, 2005, Applicant submitted herewith an Amendment limiting the claims in the application to a single invention. As amended, the application contains five independent claims, namely, claims 1, 21, 40, 70 and 106, which each recite a common set of limitations directed to the same invention. Applicant also agrees to elect, without traverse, one invention in the event the U.S. Patent and Trademark Office determines that all claims in the application are not obviously directed to a single invention.

3. The amended independent claims are directed to a system and method for providing benefits (e.g., healthcare insurance coverage) to an employee. The claimed method includes:

a. receiving an insurance coverage package selection from the employee, wherein the insurance coverage package corresponds to a benefit type and automatically includes coverage under a plurality of benefit categories associated with the benefit type;

b. for each of the plurality of benefit categories automatically included in the package, simultaneously displaying a plurality of different line items associated with the benefit category to the employee on a user interface accessible through a computer network, wherein each of the different line items displayed on the interface includes (i)

an out-of-pocket cost parameter that corresponds to out-of-pocket costs paid by the employee for use of coverage provided under the benefit category and (ii) a corresponding benefit cost to the employee for purchasing the coverage under the benefit category; and wherein the benefit cost presented to the employee for at least one of the different line items associated with the benefit category is non-zero;

c. for each of the plurality of benefit categories automatically included in the package, receiving via the user interface a purchase selection from the employee corresponding to one of the plurality of different line items associated with the benefit category; and

d. providing the insurance coverage package corresponding to the benefit type and including the plurality of benefit categories to the employee in accordance with the purchase selections made by the employee.

4. To determine the patentability of the claims in the application, a search was conducted in the United States Patent and Trademark Office. This search was conducted by Jerry R. Lacasse of Lacasse and Associates, a professional patent search service. The field of the search was as follows:

<u>Class</u>	<u>Subclasses</u>	<u>Description</u>
705/		DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE, MANAGEMENT, OR COST/PRICE DETERMINATION
	1	AUTOMATED ELECTRICAL FINANCIAL OR BUSINESS PRACTICE OR MANAGEMENT ARRANGEMENT
	2	.Health care management (e.g., record management, ICDA billing)
	4	.Insurance (e.g., computer implemented system or method for writing insurance policy, processing insurance claim, etc.)
	7	.Operations research
	14	.Distribution or redemption of coupon, or incentive or promotion program
	26	.Electronic shopping (e.g., remote ordering)
	27	..Presentation of image or description of sales item (e.g., electronic catalog browsing)
709/		ELECTRICAL COMPUTERS AND DIGITAL PROCESSING SYSTEMS:
		MULTICOMPUTER DATA TRANSFERRING
	201	DISTRIBUTED DATA PROCESSING
	217	REMOTE DATA ACCESSING
	218	.Using interconnected networks
	219	.Accessing a remote server

An Information Disclosure Statement identifying each of the references found in the search (and not previously cited in a previously filed Information Disclosure Statement), together with a copy of each such reference, is being filed herewith. The search uncovered the following patents most closely related to the subject matter of the application.

<u>Patentee</u>	<u>Patent/Patent Application No.</u>
Wizig	6,735,569
Hyman et al.	6,092,047

5. These references are discussed in detail below:

Set forth below is a discussion of each of the references uncovered in the Pre-Examination search and deemed by Applicant to be most closely related to the subject matter encompassed by the claims. The discussion points out with particularity why the subject matter of the pending independent claims is patentable over each reference.

a. U.S. Patent No. 6,735,569 to Wizig

Each of the pending independent claims recites the display of “a plurality of different line items associated with [a] benefit category.” An example of such a display is shown on Fig. 22C of the Specification, which shows the following benefit categories: preventative care, physician care, hospital care, emergency care, pharmacy care, alternative care, vision care and behavioral health care services. Rather than teaching line items associated with a benefit category, Wizig teaches providing a consumer with a list of individual healthcare providers and the subsequent selection of individual health care providers from such a list in order to build a panel of health care providers for the consumer. Simply put, the building of a panel of individually selected health care providers is not the same as, nor does it suggest, consumer selection of line items associated with a benefit category (e.g., preventative care, physician care, hospital care, etc.), as required by each of the pending independent claims.

Also absent from Wizig is the step of “receiving an insurance coverage package selection from the employee, wherein the insurance coverage package corresponds to a benefit type and automatically includes coverage under a plurality of benefit categories associated with the benefit type,” as set forth in each of the pending independent claims. Thus, in one embodiment of the present invention, the consumer begins the process by

selecting a fully functional network, i.e., a network that automatically includes coverage under the plurality of benefit categories. In contrast to Wizig, where the consumer is given the option to exclude network coverage for a given type of physician (see, e.g., Fig. 31 of Wizig where the obstetrician selected is “NONE”), the present invention automatically includes coverage under the plurality of benefit categories. For this further reason, the present claims are clearly distinguishable from Wizig.

Finally, for each of the plurality of benefit categories, the pending claims recite the step of “simultaneously displaying a plurality of different line items associated with the benefit category to the employee on a user interface ... wherein each of the different line items displayed on the interface includes (i) an out-of-pocket cost parameter that corresponds to out-of-pocket costs paid by the employee for use of coverage provided under the benefit category and (ii) a corresponding benefit cost to the employee for purchasing the coverage under the benefit category.” An example of a user-interface simultaneously displaying such information is shown, for example, on Fig. 22C of the Specification. The different co-pay options shown in Fig. 22C correspond to different line items for a given benefit category (e.g., physician care), the co-pay amount for each line item corresponds to the claimed “out-of-pocket cost parameter,” and the monthly benefit cost for each line item correspond to the claimed “benefit costs to the employee for purchasing the coverage.” Wizig fails to show or suggest the simultaneous display of such information to a consumer on a user-interface, as required by the present claims. For this still further reason, the present claims are distinguishable from Wizig.

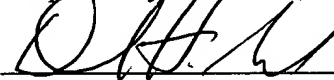
b. U.S. Patent No. 6,092,047 to Hyman et al.

Numerous aspects of the pending claims are not shown by Hyman et al. For example, Hyman et al. fails to show “simultaneously displaying a plurality of different line items associated with the benefit category to the employee on a user interface accessible through a computer network, wherein each of the different line items displayed on the interface includes (i) an out-of-pocket cost parameter that corresponds to out-of-pocket costs paid by the employee for use of coverage provided under the benefit category and (ii) a corresponding benefit cost to the employee for purchasing the coverage under the benefit category,” as required by each of the pending independent claims.

In conclusion, none of the cited references of record, or those cited on the Information Disclosure Statement submitted herewith, taken alone or in combination, teach or suggest the novel combination of features recited in the pending independent claims. Applicant therefore submits that the claims are patentably distinguishable over these references.

The Commissioner is hereby authorized to charge any deficiency in the fees due in connection with this filing Deposit Account 50-0310. A duplicate of this authorization is enclosed.

Respectfully submitted,



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Dated: August 15, 2005